

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KIRK ARDELL SJODIN, JR.,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

Case No. 1:23-cv-00454-JLT-SAB

ORDER ADOPTING INITIAL AND  
SUPPLEMENTAL FINDINGS AND  
RECOMMENDATIONS TO DENY MOTION  
FOR EMERGENCY INJUNCTION AND  
DISMISS ACTION, AND DIRECTING  
CLERK OF COURT TO CLOSE CASE

(Docs. 1, 10, 12, 13)

Kirk Ardell Sjodin, Jr., proceeding *pro se* and *in forma pauperis*, initiated this action on March 24, 2023, by filing a complaint that was submitted as a request for an emergency injunction related to a then-pending criminal action in the United States District Court for the District of Utah. (Doc. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 5, 2023, the magistrate judge issued findings and recommendations, recommending that the complaint be dismissed, the request for emergency injunction be denied, and that this action be dismissed without leave to amend but without prejudice to raising such issues on appeal or by another appropriate mechanism after conclusion of the pending criminal proceedings. (Doc. 10.) Following a change of address and remailing of the recommendations, on June 28, 2023, Plaintiff filed objections to the recommendation. (Doc. 12.)

On August 24, 2023, the magistrate judge issued supplemental findings and

1 recommendations. (Doc. 13.) As noted therein, the Court’s initial recommendation was issued  
 2 before the Utah criminal action concluded. (*Id.* at 2.) However, on May 12, 2023, after a bench  
 3 trial, the Utah district court found Plaintiff guilty in the criminal action. (*Id.* at 6–5.) Given this  
 4 development, the supplemental findings and recommendations provided additional reasons to  
 5 support the previous recommendation. The supplemental recommendation also contained notice  
 6 that within 14 days of service of the recommendation, Plaintiff could file written objections to the  
 7 supplemental findings and recommendations with the Court. (*Id.* at 8.) On September 7, 2023, the  
 8 supplemental findings and recommendations were returned as undeliverable, and Plaintiff has not  
 9 filed objections to the supplemental recommendation.<sup>1</sup>

10 According to 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the  
 11 case. Having carefully reviewed the entire file, including the Plaintiff’s objections to the initial  
 12 findings and recommendations, the Court concludes that the initial and supplemental findings and  
 13 recommendations are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 14 1. The findings and recommendations issued on May 5, 2023, (Doc. 10), and the  
 15 supplemental findings and recommendations issued on August 24, 2023, (Doc.  
 16 13), are **ADOPTED IN FULL**.
- 17 2. Plaintiff’s motion for an emergency injunction, (Doc. 1), is **DENIED**.
- 18 3. This action is **DISMISSED** without leave to amend and without prejudice to  
 19 raising such issues on appeal or other appropriate mechanism.
- 20 4. The Clerk of the Court is directed to close this case.

21  
 22 IT IS SO ORDERED.

23 Dated: **September 26, 2023**

  
 UNITED STATES DISTRICT JUDGE

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 27 <sup>1</sup> Though the supplemental recommendations were returned as undeliverable, Local Rule 182(f) provides that a *pro*  
 28 *se* party is under a continuing duty to notify the Clerk and all other parties of any change of address and that “[a]bsent  
 such notice, service of documents at the prior address of the attorney or pro se party shall be fully effective.” The  
 Court also expressly ordered the plaintiff to maintain a current address with the Court. (Doc. 4 at 5)